

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:13cv276**

FEDERAL INSURANCE COMPANY,)

Plaintiff,)

v.)

OMEGA FLEX, INC., et al.,)

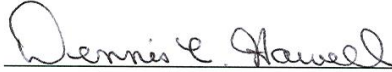
Defendants.)

ORDER

Pending before the Court is the Motion for Extension of Time for Service of Process [# 38]. Upon a review of the parties' pleadings, the relevant legal authority, Rule 4 of the Federal Rules of Civil Procedure, and for good cause shown, the Court **GRANTS** the Motion [# 38]. The Court **GRANTS** Plaintiff an additional sixty (60) days to perfect service of process on Defendant RB's Gas, Inc. in this matter. The Court, however, makes no ruling at this time as to whether service of process of process was proper or whether there is any merit to Defendant RB's Gas, Inc.'s Motion to Dismiss for Lack of Jurisdiction [# 32]. Finally, the Court **DENIES without prejudice** the Motion to Dismiss [# 32]. Upon the expiration of the sixty day period, Defendant RB's Gas, Inc. may renew its motions to dismiss based on ineffective service of process if it contends that

Plaintiff has still failed to perfect service on them, and the Court will consider at that time whether dismissing the claims against it is required.

Signed: April 17, 2014

A handwritten signature in black ink, reading "Dennis L. Howell", written over a horizontal line.

Dennis L. Howell
United States Magistrate Judge

